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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,196	09/25/2000	Philip Carragher	Carr-P2-00	2986
7590	04/21/2004		EXAMINER	
Peter K Trzyna P O Box 7131 Chicago, IL 60680-7131			WASYLCHAK, STEVEN R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/669,196	CARRAGHER ET AL.	
	Examiner	Art Unit	
	Steven R. Wasylchak	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 September 2000.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-44 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 8, 36, 39, 40, 41 are indefinite by using the terms "at least" or "some" as these terms are open ended or have indefinite range. Correction is required.

Also note that claims 37 and 38 appear to be duplicate claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashanti et al. (US 6,615,187) and in view of Cohen (US 6,422,462).

CLAIMS:

1. A method for card activity-based residential expense crediting, the method including the steps of:

associating card activity with an external residential expense;/ abstract. However, Ashanti does not teach card activity. Cohen does teach card activity /abstract. It would have been obvious to one of ordinary skill in the art to use this limitation for the advantage of having a convenient and secure means of paying expenses. crediting an amount to the residential expense responsive to the card activity; and/ abstract; col 1, L 16-49; col 2, L 4-24; col 6, L 39-54 generating output including the card activity-based residential expense crediting;/ col 6, L 39-54

wherein at least some of the steps are carried out by computer./col 6, L 23-34

2. The method of claim 1, further including the step of: applying some of the amount in a funds transfer to pay the expense./col 1, L 29-48; col 2, L 4-24

3. The method of claim 1, wherein the step of associating card activity with an external residential expense includes the step of entering external mortgage identifying data; and/ abstract

carrying out the step of crediting according to the data./col 2, L 4-24

4. The method of claim 2, wherein the step of associating card activity with an external residential expense includes the step of entering external mortgage \ identifying data; and/ abstract; col 2, L 4-24

carrying out the step of crediting according to the data./ col 2, L 4-24

5. The method of claim 1, wherein the external residential expense is a closing cost./ col 1, L 44-49

6. The method of claim 1, wherein the external residential expense is a

down payment./ col 1, L 16-27

7. The method of claim 4, wherein the external residential expense is insurance./ col 1, L 15-28

8. A method for card activity-based residential expense crediting, the method including the steps of:

associating card activity with a non-mortgage residential expense;
crediting an amount to the residential expense responsive to the card activity;
applying some of the amount to produce a payment for the expense; and generating output including the crediting and the applying; wherein at least some of the steps are carried out by computer./ refer to claim 1

9. The method of claim 8, where the step of applying includes producing a closing cost payment as the payment for the expense./ refer to claim 5

10. The method of claim 1, where the step of applying includes producing a down payment as the payment for the expense./ refer to claim 6

11. The method of claim 1, where the step of applying includes producing an insurance payment as the payment for the expense./ refer to cl 7

12. The method of claim 1, where the step of applying includes producing a payment for at least one discount point as the payment for the expense./ refer to claim 1

13. The method of claim 1, where the step of applying includes producing a prepaid interest payment as the payment for the expense./ refer to claim 1

14. The method of claim 1, where the step of applying includes producing a payment to an escrow account as the payment for the expense./ col 1, L 29-48; col 2, L 4-24

15. The method of claim 1, where the step of applying includes producing a payment triggering acquisition of a member of the group the group consisting of a boat, a motor home, a mobile home, a trailer, mineral rights, water rights, riparian rights, and parking space acquisition as the payment for the expense./ refer to claim 1
16. The method of claim 1, where the step of applying includes producing a tax payment as the payment for the expense./col 1, L 16-27
17. The method of claim 1, where the step of applying includes producing a fee payment from the group consisting of a an impact fee, new construction fee, government fee, recording fee, transfer fee, miscellaneous fee, mitigation fee, origination fee, commission, review and funding fee, wire transfer and courier fee, title and closing fee, an underwriting processing fee, and a flood certificate fee as the payment for the expense. /col 1, L 16-27
18. The method of claim 1, where the step of applying includes producing a payment for a cost from the group consisting of a stamp, a title endorsement, a tax certificate, an environmental and termite inspection, a radon test, an inspection, an appraisal, abstract search, title search, title examination, title insurance binder, and a credit report as the payment for the expense./ col 1, L 29-48; col 2, L 4-24
19. The method of claim 1, where the step of applying includes producing a payment for fee payment from the group consisting of a tax service fee, an architect fee, an engineering fee, a surveying fee, an attorney fee, a realtor fee, and a notary fee as the payment for the expense./ col 1, L 29-48; col 2, L 4-24

20. The method of claim 1, where the step of applying includes producing a payment of a cost / abstract; col 1, L 29-48; col 2, L 4-24. However, Ashanti does not explicitly teach dockage or marina fees as payment for an expense. It would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature for the advantage of a robust payment program.

21. The method of claim 1, where the step of applying includes producing a payment of a cost from the group consisting of a lot cost, land cost, equity sharing cost, development cost, infrastructure cost, material cost, landscaping, fix-up cost for work and materials required to close the loan, house-hunting costs, and moving cost as the payment for the expense./ refer to claim 1

22. The method of claim 1, where the step of applying includes producing a payment of a cost from the group consisting of an ongoing residential expense, the expense from the group consisting of a special assessment, a homeowner assessment, a membership fee, an association due, common area fee, and parking maintenance as the payment for the expense./ col 1, L 29-48; col 2, L 4-24

23. The method of claim 1, where the step of applying includes producing a payment of a cost from the group consisting of appliance acquisition, appliance upgrade, and a material upgrade as the payment for the expense. /col 1, L 29-48; col 2, L 4-24

24. The method of claim 1, where the step of applying includes producing a payment of a rent as the payment for the expense. /col 1, L 29-48; col 2, L 4-24

25. The method of any one of claims 1-24, further including the step of: applying a preferential crediting rate in the crediting for an internal expense./ col 1, L 29-48; col 2, L 4-24

26. The method of any one of claims 1-24, wherein the step of applying is carried out in response to an instruction received over the Internet./ refer to claim 1

27. The method of any one of claims 1 and 8, wherein the step of applying includes communicating includes

printing a check for the amount;/ refer to claim 1

Ashanti does not explicitly teach printing a coupon with the amount for carrying out payment of the mortgage with the check; and

combining the check and the coupon with a statement of the card activity in a computer-addressed envelope so as to address the envelope. It would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature for the advantage of a robust payment program.

28. The method of any one of claims 1 and 8, further including the step of:

changing an allocation of the credit activity between expenses in response to an instruction from the cardholder./ refer to claim 1

29. The method of any one of claims 1 and 8, further including the step of:

Ashanti does not explicitly teach changing an allocation of the credit activity between interest and principle in response to an instruction from a holder from the group

consisting of the cardholder and an expense holder. It would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature for the advantage of a robust payment program.

30. Ashanti does not explicitly teach the method of any one of claims 1 and 8, further including: allocating a portion of the credit activity to a charity; and issuing a tax deduction statement responsive to the portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature for the advantage of a robust payment program.

31. The method of any one of claims 1 and 8, further including the steps of:

computing an annual statement of said crediting; and communicating the annual statement to the cardholder./ refer to claim 1

32. The method of claim 31, wherein the step of computing an annual statement includes:

computing mortgage interest paid by the crediting. / refer to claim 1

33. The method of any one of claims 1 and 8, further including the steps of:

Ashanti does not explicitly teach allocating a portion of the amount between multiple mortgages. It would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature for the advantage of a robust payment program.

34. The method of any one of claims 1 and 8, further including the steps of:

Ashanti does not explicitly teach associating the expense with second card activity of a second cardholder; crediting an amount to the expense responsive to the second card activity; and

wherein the step of generating output includes generating the output including the second charge card activity-based crediting. It would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature for the advantage of a robust payment program.

35. The method of any one of claims 1 and 8, further including the step of: Ashanti does not explicitly teach communicating a funds transfer to a charity for payment of the expense. It would have been obvious to one of ordinary skill in the art at the time of the invention to have this feature for the advantage of a robust payment program.

36. A method for carrying out card activity-based residential expense crediting, the method including the steps of:

forming a combination in an envelope, the combination including at least two of:

a check printed for the payment of the expense;

a coupon printed for making the payment with the check; and a statement of showing the card activity and the crediting./refer to claim 27

37. A method for making a digital electrical computer system programmed for carrying out card activity-based residential expense crediting, the method including the steps of:

providing a digital electrical computer and data processing system comprising a digital electrical computer electrically connected to an input device for inputting data and to an output device; and

programming the digital electrical computer to associate card activity with an external residential expense, to credit an amount to the expense responsive to the card activity, and to generate output including the card activity-based crediting, to form the digital electrical computer system programmed for carrying out card activity-based mortgage crediting./ refer to claim 1

38. A method for making a digital electrical computer system programmed for carrying out card activity-based residential expense crediting, the method including the steps of:

providing a digital electrical computer and data processing system comprising a digital electrical computer electrically connected to an input device for inputting data and to an output device; and

programming the digital electrical computer to associate card activity with an external residential expense, to credit an amount to the expense responsive to the card activity, and to generate output including the card activity-based crediting, to form the digital electrical computer system programmed for carrying out card activity-based mortgage crediting./ refer to claim 1

39. A method for making a digital electrical computer system programmed for carrying out card activity-based residential expense crediting, the method including the steps of:

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providing a digital electrical computer and data processing system comprising a digital electrical computer electrically connected to an input device for inputting data and to an output device; and

programming the digital electrical computer to associate card activity with a non-mortgage residential expense, to credit an amount to the residential expense responsive to the card activity, to apply some of the amount to produce a payment for the expense, and

to generate output including the crediting and applying, to form the digital electrical computer system programmed for carrying out card activity-based mortgage crediting./ refer to claim 1

40. A digital electrical computer system programmed for carrying out card activity-based residential expense crediting, the computer system including:

a digital electrical computer and data processing system comprising a digital electrical computer electrically connected to an input device for inputting data and to an output device, said digital electrical computer programmed to associate card activity with a non-mortgage residential expense, to credit an amount to the residential expense responsive to the card activity, / refer to claim 1

to apply some of the amount to produce a payment for the expense, and to generate output including at least two of:

a check printed for the payment of the expense;

a coupon printed for making the payment with the check; and a statement of showing the card activity and the crediting./ refer to claim 27

41. A digital electrical computer system programmed for carrying out card activity-based residential expense crediting, the computer system including:

a digital electrical computer and data processing system comprising a digital electrical computer electrically connected to an input device for inputting data and to an output device, said digital electrical computer programmed to associate card activity with an external mortgage residential expense, to credit an amount to the residential expense responsive to the card activity, to apply some of the amount to produce a payment for the expense,/ refer to claim 1

and to generate output including at least two of:

a check printed for the payment of the expense;

a coupon printed for making the payment with the check; and a statement of showing the card activity and the crediting./ refer to claim 27

42. A method for carrying out computerized card activity-based residential expense crediting, the method including the step of:

crediting card activity to a non-mortgage expense payment in response to a cardholder instruction received over the Internet./ refer to claim 1

43. A method for carrying out computerized card activity-based residential expense crediting, the method including the step of:

crediting card activity to an external residential expense payment in response to a cardholder instruction received over the Internet./ refer to claim 1

44. The method of claim 43, wherein the step of crediting is carried out with a mortgage as the external residential expense payment./ refer to claim 1

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak



4/16/04



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